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EXAMINER

WILSON, MICHAEL H

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,037	Applicant(s) GERHARD ET AL.	
	Examiner MICHAEL WILSON	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20060818; 20060913</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Examples 11, 16, 19, 24, 27, 30, 33, 36, 39, 42, 45, 48, and 51 on pages 9-12 are not correctly labeled. The example number has been omitted.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-13 and 15-27 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for some of the compounds used as host or electron transporting material, does not reasonably provide enablement for the full scope of the claims. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

Case law holds that applicant's specification must be "commensurately enabling [regarding the scope of the claims]" *Ex Parte Kung*, 17 USPQ2d 1545, 1547 (Bd. Pat. App. Inter. 1990). Otherwise **undue experimentation** would be involved in determining how to practice and use applicant's invention. The test for undue experimentation as to

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whether or not all compounds within the scope of claims 1-13 and 15-27 can be used as claimed and whether claims 1-13 and 15-27 meet the test is stated in *Ex parte Forman*, 230 USPQ 546,547 (Bd. Pat. App. Inter. 1986) and *In re Wands*, 8 USPQ2d 1400, 1404 (Fed.Cir. 1988). Upon applying this test to claims 1-13 and 15-27, it is believed that undue experimentation **would** be required because:

- a. *The quantity of experimentation necessary is great* since claims 1-13 and 15-27 read on an innumerable number of compounds, which only possess a single feature, Y=X, where Y and X include numerous elements, while the specification provides guidance for the synthesis of a very limited subset of compounds within the scope of the present claims, specifically compounds comprising aromatic substituents, such as spirobifluorene. Some other compounds of this type, aromatic compounds sporting functional groups where Y is P or S, and where X is O or N, would be available to one of ordinary skill using known synthetic methods. Other combinations are quite uncommon and require very specialized synthetic techniques to synthesize. The specification provides no synthetic methods for producing compounds having structural features which are different from the ones mentioned above. Given the lack of guidance in the specification, one of ordinary skill would not be able to make other compounds within the scope of the present claims, or utilize them as matrix materials in an organic electroluminescent device.

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b. There is **no** *direction or guidance presented* for synthesizing compounds other than where Y is P and where X is O or devices with compounds which lack an aromatic structure such as spirobifluorene or phenyl.

c. There is an **absence** *of working examples* concerning compounds other than those where Y is S or P, and where X is O or devices with compounds which lack an aromatic structure such as spirobifluorene or phenyl.

In light of the above factors, it is seen that undue experimentation would be necessary to make and use the invention of claims 1-13 and 15-27. The claims encompass an innumerable number of materials as matrix materials in an organic electroluminescent device, comprising only a single structural feature Y=X. The possibilities for elements Y and X include commonly used and also quite exotic combinations. While compounds having S=O, P=O, as well as P=S, and even P=N bonds are known in the art, the other combinations are quite uncommon and require very specialized synthetic techniques to synthesize. The specification provides no synthetic methods for producing compounds having structural features which are different from the ones mentioned above.

Even among the known combinations, structures according to claim 2 are highly uncommon. Specifically, compounds according to formula (1), where Y is P and X is O, are theoretically possible, but are highly reactive and not purified, while other combinations according to formula (1) do not exist in the literature. Regardless, the compounds according to formula (1) would require extremely specialized synthetic

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techniques to produce, if they could be produced at all, and would not be available to one of ordinary skill without undue experimentation.

Furthermore, the specification provides guidance for the use of a limited subset of compounds within the scope of the present claims, specifically compounds comprising aromatic substituents, such as spirobifluorene. Some other compounds of this type, aromatic compounds sporting functional groups where Y is P or S, and where X is O or N, would be available to one of ordinary skill using known synthetic methods. However, given the lack of guidance in the specification, one of ordinary skill would not be able to make compounds within the scope of the present claims, or utilize them as matrix materials in an organic electroluminescent device.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 5, 11, 12, 17, 18, 23, 25, and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "R¹, R², and/or R³" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "R¹ to R⁴" in line 5. There is insufficient antecedent basis for this limitation in the claim. Claim 12 is indefinite because it is dependent on claim 11, and recites the limitation "R¹ to R⁴" in line 2.

Claim 17 is indefinite because the use of both “comprise” and “consist” referring to the same layer is confusing. For the purpose of this action the claim is interpreted to read --the layer comprises at least 50% of compound A--.

Claim 18, is indefinite because the use of both “comprise” and “consist” referring to the same layer is confusing. For the purpose of this action the claim is interpreted to read --characterized in that the layer consists of compound A--.

Claims 23, 25, and 26, recite the limitation "the emission layer". There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-13, 15-23, and 25-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Kitazawa et al. (JP 2002/063989 A).

Regarding claims 1-4, Kitazawa et al disclose an electronic device comprising an anode [0012], cathode [0013], and at least one organic layer [0014] comprising a compound of instant compound A with the structure of instant formula (3) where Y is P and X is O ([0017]-[0018]). The reference also discloses the device comprising no phosphorescent emitters [0041].

Regarding claims 5-7, Kitazawa et al. disclose all the claim limitations as set forth above. Additionally the reference discloses wherein at least one of instant R1 to R3 is an aromatic or heteroaromatic system ([0025]-[0027]), and wherein the compound contains more than one Y=X of instant formula (3) [0027]. None of the compounds disclosed by Kitazawa et al. has a planar structure.

Regarding claims 8-10, Kitazawa et al. disclose all the claim limitations as set forth above. Additionally the reference discloses wherein the compound contains a sp³-hybridized carbon or silicon atom which is also a tertiary or quaternary atom [0027].

Regarding claims 11-13, Kitazawa et al. disclose all the claim limitations as set forth above. Additionally the reference discloses wherein one of R1 to R4 is a 9,9'-spirobifluorene derivative [0027] and wherein one of R1 to R3 is a diaryl group ([0026]-[0027]).

Regarding claim 15, Kitazawa et al. disclose all the claim limitations as set forth above. While the reference does not disclose the glass transition temperature for the compounds of Kitazawa et al. the compounds of Kitazawa et al. are within the formula disclosed by applicant as possessing a glass transition temperature of greater than 100°C. Therefore, since the compounds disclosed by Kitazawa et al. being within the formula claimed by applicant, the glass transition temperature of the compounds would be expected inherently to have the same properties as disclosed by applicant. Recitation of a newly disclosed property does not distinguish over a reference disclosure of the article or composition claims. *General Electric v. Jewe Incandescent Lamp Co.*, 67 USPQ 155. *Titanium Metal Corp. v. Banner*, 227 USPQ 773. Applicant

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bears responsibility for proving that reference composition does not possess the characteristics recited in the claims. In *re Fitzgerald*, 205 USPQ 597, In *re Best*, 195 USPQ 430.

Regarding claims 16 and 22, Kitazawa et al. disclose all the claim limitations as set forth above. Additionally the reference discloses wherein the compound is used as an electron transporting material ([0045] electron transport layer) between the fluorescent emission layer and the cathode.

Regarding claims 17 and 18, Kitazawa et al. disclose all the claim limitations as set forth above. Additionally the reference discloses wherein the compound composes 100% of a layer [0041] and wherein the compound comprises at least 50% of the layer [0044].

Regarding claim 19, Kitazawa et al. disclose all the claim limitations as set forth above. Additionally the reference discloses wherein the device is an electroluminescent device [0041].

Regarding claims 20 and 21, Kitazawa et al. disclose all the claim limitations as set forth above. Additionally the reference discloses wherein further layers are present [0041]. The further layers are an electron transport layer and a hole transport layer [0041].

Regarding claim 23, Kitazawa et al. disclose all the claim limitations as set forth above. Additionally the reference discloses wherein the emission layer comprises at least one fluorescent compound and one electron-transport material which is a compound of instant compound A ([0028], [0041], and [0044]).

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Regarding claims 25, Kitazawa et al. disclose all the claim limitations as set forth above. Additionally the reference discloses wherein the emission layer is adjacent to the cathode [0014].

Regarding claim 26, Kitazawa et al. disclose all the claim limitations as set forth above. Additionally the reference discloses wherein the emission layer is separated from the anode by a single layer [0014]. While the layer is called a hole transport layer instead of a hole injection layer the hole transport layer of Kitazawa et al. is effectively a hole injection layer. The reference discloses the layer to inject holes with high efficiency [0015] and embraces the use of porphyrin derivatives. Porphyrin derivatives are well known in the art to be used in hole injecting layers. Therefore the hole transport layer of Kitazawa et al. can be considered a hole injection layer, meeting the current claim requirement.

Regarding claim 27 Kitazawa et al. disclose all the claim limitations as set forth above. Additionally the reference discloses wherein the device emits light in the visible spectrum [0041].

Regarding claim 28, Kitazawa et al. disclose all the claim limitations as set forth above. Additionally the reference discloses wherein the electronic device contained a compound of instant example 2 ([0027] second structure).

8. Claims 1-9, 15, 17-21, and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Nii (US 2003/0170494 A1).

Regarding claims 1-4, Nii discloses an electronic device comprising an anode [0126], cathode [0126], and at least one organic layer [0126] comprising a compound of instant compound A with the structure of instant formula (4) where Y is S and X is O ([0123], compounds D-3, D-9, D-11, D-20, D-28, D-31, and D-33). The reference also discloses the device comprising no phosphorescent emitters [0167].

Regarding claims 5-7, Nii discloses all the claim limitations as set forth above. Additionally the reference discloses wherein at least one of instant R1 to R3 is an aromatic or heteroaromatic system ([0123], compounds D-3, D-11, D-20, and D-28), and wherein the compound contains more than one Y=X of instant formula (3) ([0123], compounds D-3, D-9, D-11, D-20, D-28, D-31, and D-33). None of the compounds disclosed by Nii has a planar structure.

Regarding claims 8-9, Nii discloses all the claim limitations as set forth above. Additionally the reference discloses wherein the compound contains a sp^3 -hybridized nitrogen atom which is also a tertiary atom ([0123], compounds D-3, D-9, D-11, D-28, D-31, and D-33).

Regarding claim 15, Nii discloses all the claim limitations as set forth above. While the reference does not disclose the glass transition temperature for the compounds of Nii, the compounds of Nii are within the formula disclosed by applicant as possessing a glass transition temperature of greater than 100°C. Therefore, since the compounds disclosed by Nii being within the formula claimed by applicant, the glass transition temperature of the compounds would be expected inherently to have the same properties as disclosed by applicant. Recitation of a newly disclosed property

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does not distinguish over a reference disclosure of the article or composition claims.

General Electric v. Jewe Incandescent Lamp Co., 67 USPQ 155. *Titanium Metal Corp. v. Banner*, 227 USPQ 773. Applicant bears responsibility for proving that reference composition does not possess the characteristics recited in the claims. In *re Fitzgerald*, 205 USPQ 597, In *re Best*, 195 USPQ 430.

Regarding claims 17 and 18, Nii disclose all the claim limitations as set forth above. Additionally the reference discloses wherein the compound composes 100%, which is more than 50% of the layer [0167].

Regarding claim 19, Nii discloses all the claim limitations as set forth above. Additionally the reference discloses wherein the device is an electroluminescent device [0126].

Regarding claims 20 and 21, Nii discloses all the claim limitations as set forth above. Additionally the reference discloses wherein further layers are present [0167]. The further layers are an electron transport layer and a hole transport layer [0167].

Regarding claims 25, Nii discloses all the claim limitations as set forth above. Additionally the reference discloses wherein the emission layer is adjacent to the cathode [0169].

Regarding claim 26, Nii discloses all the claim limitations as set forth above. Additionally the reference discloses wherein the emission layer is separated from the anode by a hole injection layer ([0136]-[0137]). The reference discloses the that an additional hole transport layer is optional, leaving the hole injection layer as the only layer between the emission layer and the anode [0137].

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Regarding claim 27, Nii discloses all the claim limitations as set forth above.

Additionally the reference discloses wherein the device emits light in the visible spectrum [0168].

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitazawa et al. (JP 2002/063989 A) as applied to claim 1 above.

Regarding claim 24, Kitazawa et al. disclose all the claim limitations as set forth above. Additionally the reference discloses wherein a compound of instant compound A is used as an electron transporting material ([0045] electron transport layer) between the fluorescent emission layer and the cathode. The reference also discloses wherein the emission layer comprises at least one fluorescent compound and one electron-

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transport material which is a compound of instant compound A ([0028], [0041], and [0044]).

While the reference does not exemplify both an electron transport layer and an emissive layer with a compound of instant compound A, this does not negate a finding of obviousness under 35 USC 103 since a preferred embodiment such as an example is not controlling. Rather, all disclosures “including unpreferred embodiments” must be considered. *In re Lamberti* 192 USPQ 278, 280 (CCPA 1976) citing *In re Mills* 176 USPQ 196 (CCPA 1972). Therefore, it would have been obvious to one of ordinary skill in the art to utilize an electron transport layer and an emission layer with a compound of compound A given that Kitazawa et al. teaches both electron transport and emission layers with a compound of instant compound A in each one.

Double Patenting

12. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

13. Claims 1-13, 15-17, 19-23, and 25-28 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 22, 24-25, 28, and 38-43 of copending Application No. 10/563716 in view of Shi et al. (US 5,755,999).

While the claims are not identical they are not patentably distinct. Application No. 10/563716 discloses organic electroluminescent device (claims 40 and 43) which would necessarily have an anode and a cathode, and at least one organic layer between the electrodes (claim 22) with a compound of instant compound A, which clearly overlaps with instant claims 1-13. The reference discloses the device with and without an electron transport layer between the emitting layer and the cathode (claims 41 and 42), and discloses the emitting layer with a luminescent compound that contains an element with an atomic number greater than 20 (claim 22). While the reference does not claim a percentage of compound A (matrix A) in the layer, it would be readily apparent to one of ordinary skill to include 50% or more of compound A within the layer given that the reference discloses matrix as the matrix or host material for the layer. It is well known and common in the art to form layer containing 70-99% matrix material. The reference does not explicitly disclose fluorescent compounds for material B used with matrix material A.

Shi et al. teach a similar organic electroluminescent device (column 1, lines 22-24). The reference also discloses the device further comprising a fluorescent emitter

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(examples 14-16, columns 39 and 40) without a phosphorescent emitter (column 7, lines 31-41). Additionally the reference discloses devices with light-emission in the visible region between 380 and 750 nm (column 1, lines 59-64). Shi et al. teach luminescent compounds with an element with an atomic number greater than 20 (column 12, lines 26-30). The reference teaches using the compounds of Shi et al. produces highly efficient electroluminescence (column 1, lines 59-64).

It would be obvious to one of ordinary skill in the art at the time of the invention to combine the device of Application No. 10/563716 with the emissive compounds of Shi et al. One of ordinary skill in the art would reasonably expect such a combination to be suitable given the at the host material of Application No. 10/563716 is taught to be suitable for use in electroluminescent devices and is also taught to be suitable for use with luminescent compound that contains and element with an atomic number greater than 20 results. Shi et al. teach luminescent compounds with an element with an atomic number greater than 20 (column 12, lines 26-30). One of ordinary skill in the art would be motivated by a desire to obtain a device with highly efficient electroluminescence as taught be Shi et al. (column 1, lines 59-64).

This is a provisional obviousness-type double patenting rejection.

14. Claims 1-13 and 15-17, 19-23, and 25-28 are directed to an invention not patentably distinct from claims 22, 24-25, 28, and 38-43 of commonly assigned 10/563716. Specifically, as explained above.

The U.S. Patent and Trademark Office normally will not institute an interference between applications or a patent and an application of common ownership (see MPEP Chapter 2300). Commonly assigned 10/563716, discussed above, would form the basis for a rejection of the noted claims under 35 U.S.C. 103(a) if the commonly assigned case qualifies as prior art under 35 U.S.C. 102(e), (f) or (g) and the conflicting inventions were not commonly owned at the time the invention in this application was made. In order for the examiner to resolve this issue, the assignee can, under 35 U.S.C. 103(c) and 37 CFR 1.78(c), either show that the conflicting inventions were commonly owned at the time the invention in this application was made, or name the prior inventor of the conflicting subject matter.

A showing that the inventions were commonly owned at the time the invention in this application was made will preclude a rejection under 35 U.S.C. 103(a) based upon the commonly assigned case as a reference under 35 U.S.C. 102(f) or (g), or 35 U.S.C. 102(e) for applications pending on or after December 10, 2004.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Son et al. (US 2004/0113547 A1), Fujiwara et al. (JP 2004/095221 A) Enokida et al. (EP 786926 A2), Gerhard et al. (WO 03/104245 A1), Hasegawa et al. (EP 1318143 A1), Saito et al. (JP 2003/123972 A), Saito et al. (JP 2003/123973 A), Chen et al. (EP 1426429 A1), Becker et al. (WO 2005/003253 A2), Gerhard et al. (WO 2004/093207 A2), Buesing et al. (WO 2005/040302 A1), and

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Gerhard et al. (WO 2005/054403 A1) all disclose compounds of instant compound A used in organic electroluminescent devices, but are cumulative to the rejections of record.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL WILSON whose telephone number is (571) 270-3882. The examiner can normally be reached on Monday-Thursday, 7:30-5:00PM EST, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on (571) 272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MHW

/Callie E. Shosho/
Supervisory Patent Examiner, Art Unit 1794